

**USDI, Bureau of Land Management
Andrews Resource Area, Burns District**

**DECISION RECORD
and
FINDING OF NO SIGNIFICANT IMPACT
for
BROKEN TRAILS
SPECIAL RECREATION PERMIT
OR-020-RP-01-06

ENVIRONMENTAL ASSESSMENT
OR-020-03-036**

INTRODUCTION:

Broken Trails, Inc. (BT), operated by Ty and Jerry Temple, has held Districtwide, commercial Special Recreation Permits (SRPs) for hunting, fishing, and scenic and wildlife tours in the Burns District of the Bureau of Land Management (BLM) since 1998. Under the current permit, SRP #OR-020-RP-01-06, most of the hunting activities occur in the northern part of the District, while the tours focus on the southern part of the District. Some use occurs in the Steens Mountain Cooperative Management and Protection Area (CMPA), Steens Mountain Wilderness, and Wilderness Study Areas (WSAs) throughout the District. BT also has an SRP issued by the Malheur National Forest.

Issuance of SRPs for historic use in the Steens Mountain Wilderness is in conformance with Section 115 of the Steens Mountain Cooperative Management and Protection Act (Steens Act) of 2000.

While the Andrews Management Framework Plan (MFP) is silent concerning the proposed action and alternative, it is a stated objective of the MFP to "Provide a variety of recreation opportunities. . ." (p. 7). The Three Rivers Resource Management Plan (RMP) is also silent for the proposed action and alternative. However, one Recreation objective includes the specification to "provide for unstructured outdoor recreation activities with the necessary . . . services." Issuance of a permit would be in compliance with all State, local, and tribal government laws, regulations, and land use plans.

SUMMARY OF PROPOSED ACTION AND NO ACTION ALTERNATIVE:

The Proposed Action would allow the permittee to continue current operations and would allow for reasonable business growth over the next year. BT proposes to conduct guided tours of the Steens Mountain/Harney Basin area. Tour stops on BLM-administered land would include Diamond Craters and the Steens Mountain Loop Road. They would also conduct birding,

hunting, and fishing trips in Harney County. Detailed descriptions of how these activities would be done can be found in the amended operations plan in the BLM case file. This does not represent a change from the current operating plan.

The No Action Alternative would allow the permittee to continue operations at the same level as at the time of enactment of the Steens Act. BT would continue to operate hunting and fishing trips and birding and scenic tours as they have in the past.

DECISION:

As a result of the environmental analysis presented in the Environmental Assessment (EA), it is my decision to approved the Proposed Action. The rationale for the FONSI supports this decision. The Proposed Action, coupled with the mitigation measures detailed in the EA and FONSI, has led to my decision that all practicable means to avoid or minimize environmental harm and to protect wilderness values have been adopted. Selection of the No Action alternative would not provide for resource protection. This decision is consistent with the Andrews MFP (1982) and the Three Rivers RMP (1991).

All resources have been evaluated for cumulative effects. It has been determined that cumulative effects would be negligible for all resources.

FINDING OF NO SIGNIFICANT IMPACT:

Based on the analysis of potential environmental impacts detailed in the attached Environmental Assessment (EA), I have determined that approval of the Proposed Action, when coupled with the mitigation measures presented and detailed in the EA, will not have a significant impact on the human environment and preparation of an Environmental Impact Statement is not required. The Proposed Action and No Action Alternative are in conformance with the Steens Act and the Wilderness Act.

Rationale:

The activities described in the proposed action will, as best can be determined, not cause unnecessary and undue degradation of public land. Resources analyzed in the EA include Areas of Critical Environmental Concern (ACECs); Cultural Resources; Migratory Birds; Noxious Weeds; Threatened, Endangered, and Special Status Species; Wetlands/Riparian Zones; Wild and Scenic Rivers (WSRs); Wilderness/WSAs; Recreation; Socioeconomics; and Wildlife. Effects to these resources are considered nonsignificant (based on the definition in 40 CFR 1508.27) for the following reasons:

ACECs: Using existing trails would minimize effects to Burns District ACECs.

Cultural Resources: Cultural resources could be affected if the campsites are located on or near cultural sites. Disturbances could include digging of fire pits or toilet pits and/or collection of artifacts. As described in the mitigation below, archaeological inventories

will be conducted at campsites in order to minimize these effects.

Migratory Birds: Effects to migratory birds would either be short term or minimized through permit stipulations.

Noxious Weeds: The potential for spread of noxious weeds is always present, but the routes and trails would be monitored and treated, if needed, and would be minimized through preventative measures.

Threatened, Endangered, and Special Status Species: Effects to Threatened, Endangered, and Special Status Species would either be short term or would be minimized through permit stipulations.

Wetlands/Riparian Zones: Any effects would be short term and would be minimized through the use of existing trails and campsites.

WSRs: Effects to the Donner und Blitzen WSR system would be short term and would be minimized through the use of existing trails.

Wilderness/WSAs: There would be short-term effects to naturalness, solitude, and primitive and unconfined recreation in the Steens Mountain Wilderness and/or the WSAs. Some recreationists could be temporarily displaced to other locations within or outside of these areas.

Recreation: Some recreationists could be temporarily displaced to other parts of the Steens Mountain Wilderness, CMPA, or other areas of the Burns District.

Socioeconomics: The permittee would contribute directly and indirectly to the Harney County economy.

Wildlife: Wildlife displacement and habitat disruption would be short term and would be minimized through the use of existing trails and campsites.

Mitigation Measures:

Approval of this proposal is subject to the following mitigation measures which will be included as stipulations attached to the SRP.

ACECs: Vehicle use in ACECs will conform to the current Off-Highway Vehicle designation. Camping and firewood collection in the Little Blitzen and Rooster Comb Research Natural Areas (RNAs) will not be allowed.

Cultural Resources: Traditionally used campsites will be inventoried and assessments will be made. If it is determined cultural resources are being threatened or damaged, further mitigation will be undertaken.

Migratory Birds: Camping will be limited to established campsites that are appropriate for group use. Permittee will be aware of nesting activities and will avoid disturbing nesting birds from April 15 to July 15. Permittee will be notified of specific nesting areas as part of the pre-trip notification process.

Noxious Weeds: To ensure that noxious weed seeds are not spread from other areas, all vehicles and equipment will be cleaned prior to entry on Burns District land. If permittee camps in or travels through noxious weed-infested areas, permittee will clean off their equipment and vehicles on-site. Weed identification booklets and information will be given to the permittee. The permittee is requested to notify the BLM of the location(s) of any noxious weeds found.

Threatened, Endangered, and Special Status Species: Camping will be limited to established campsites that are appropriate for group use. All human waste will be packed out on vehicle-based trips or buried at least 200 feet or as far as possible away from camps, trails, and water sources when traveling on foot.

Wetlands/Riparian Zones: All camps will be outside of riparian areas, except where established sites are used. All human waste will be packed out on vehicle-based trips or buried at least 200 feet or as far as possible away from camps, trails, and water sources when traveling on foot. Down trees will not be removed from streambanks.

Wilderness: Camping will be limited to established campsites that are appropriate for group use. All permittee activities will incorporate "Leave No Trace" practices. Travel will be single file on defined trails or spread out where no trails exist. All human waste will be buried at least 200 feet or as far as possible away from camps, trails, and water sources when traveling on foot. All toilet paper will be packed out.

Recreation: All human waste will be packed out on vehicle-based trips or buried at least 200 feet or as far as possible away from camps, trails, and water sources when traveling on foot. Water from all washing (dishes and personal) activities will be scattered at least 200 feet or as far as possible away from all water sources. Prior to the establishment of any new campsite, the permittee will consult and coordinate with the BLM to minimize any effects.

Wildlife: All camps will be at least one-quarter mile from isolated water sources (ponds, springs) to allow for wildlife access.

Monitoring:

In addition to standard BLM monitoring of the SRP for compliance with permit stipulations, the following monitoring will be conducted.

ACECs: RNAs will be visually monitored periodically for natural or human-caused disturbances. Key plant species will be monitored at specific sites to determine changes in population health.

Cultural Resources: Traditionally used campsites will be inventoried and any effects to cultural resources will be measured.

Migratory Birds: Bird monitoring transects will be established according to protocol along riparian areas used by the permittee.

Noxious Weeds: BLM will monitor camping and parking areas for the presence of new or spreading noxious weeds.

Threatened, Endangered, and Special Status Species: Ongoing monitoring of known Columbia spotted frog populations will continue.

Wilderness/WSRs: Wilderness and WSR monitoring will be based on the nondegradation mandate and the protections of Outstandingly Remarkable Values. A wilderness/WSR monitoring plan is currently under development to look at and evaluate both commercial and public use of these resources.

Wildlife: Oregon Department of Fish and Wildlife big game count data will be used as an indicator of effects to wildlife.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success of the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Signature on file
Karla Bird
Andrews Resource Area Field Manager

September 24, 2003
Date

Signature on file
Joan M. Suther
Three Rivers Resource Area Field Manager

September 24, 2003
Date